

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MOLLY ABRAHAM,

Case No. 15-cv-1116-pp

Plaintiff,

v.

BOARD OF REGENTS OF THE UNIVERSITY
OF WISCONSIN SYSTEM,

Defendant.

**ORDER DENYING AS MOOT DEFENDANT'S DECEMBER 21, 2015 MOTION
TO DISMISS (DKT. NO. 9)**


The plaintiff filed her original complaint on September 14, 2015. Dkt. No. 1. She filed an amended complaint on that same date (although it appeared to be substantially the same complaint). Dkt. No. 2. On December 21, 2015, the defendant filed a motion to dismiss the amended complaint for failure to state a claim and sovereign immunity, among other things. Dkt. No. 10. At the request of the plaintiff, Dkt. No. 13, the court stayed briefing on this motion to allow the plaintiff to again amend her complaint, to try to cure some of the deficiencies argued to the defendant. (See text-only order entered January 26, 2016). On April 15, 2016, the plaintiff filed a second amended complaint. Dkt. No. 16. Because it is “axiomatic that an amended complaint supersedes an original complaint and renders the original complaint void,” Flannery v. Recording Industry Ass’n of America, 354 F.3d 632, 638 n.1 (7th Cir. 2004) (citing Fuhrer v. Fuhrer, 292 F.2d 140, 144 (7th Cir. 1981)), the filing of the

second amended complaint on April 15, 2016 moots the December 21, 2015 motion to dismiss. The complaint which the December 21, 2015 motion asked the court to dismiss has been superseded, and on May 16, 2016, the defendants filed a partial motion to dismiss the second amended complaint, Dkt. No. 18. The court has scheduled a hearing on that motion for July 19, 2016.

The court **ORDERS** that the December 21, 2015 motion to dismiss is **DENIED AS MOOT**. Dkt. No. 9.

Dated in Milwaukee, Wisconsin this 14th day of June, 2016.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge